

CLOSED SESSION – REGULAR COUNCIL/REDEVELOPMENT AGENCY/COLTON  
UTILITY AUTHORITY CLOSED SESSION MEETING MINUTES

December 15, 2009

Closed Session Meeting was held on the above given date at 5:00 p.m., in the Council Chambers of City Hall, with Mayor Chastain presiding.

CITY COUNCIL ROLL CALL

Councilmembers present: Toro, De La Rosa, Yzaguirre, Bennett, Perez, Mayor Pro Tempore Oliva and Mayor Chastain,

PUBLIC COMMENT

None.

City Attorney Derleth announced that the City Council would meet in Closed Session to discuss three Items, Item A, C and D below, Item B would not be discussed:

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Government Code section 54956.9(a)  
Case Name: Maria Cornejo, et al. v. City of Colton  
Case Number: US District Court Case No. 5-2008CV01844
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Government Code section 54956.9(a)  
Case Name: City of Colton v. American Promotional Events, Inc. – West, *et al.*  
Case Number: US District Court Case No. CV 05-01479 DDP(Ex)
- C. CONFERENCE WITH LABOR NEGOTIATORS  
Pursuant to Government Code Section 54957.6  
Agency Designated Representative: Bill Smith, Interim Deputy City Manager  
Employee Organizations: SBPEA General Unit, SBPEA Mid-managers Unit, IBEW Electric, IBEW Water/Wastewater, Colton Fire Fighters Association, Colton Police Officers Association, Colton Police Management Association, and Colton Police Dispatchers Association
- D. CONFERENCE WITH LABOR NEGOTIATORS  
Pursuant to Government Code Section 54957.6  
Agency Designated Representative: Dean Derleth, City Attorney  
Employee Organizations: Executive Unit

Mayor Chastain adjourned the meeting to Closed Session at 5:03 p.m. and at 6:00 p.m.; the meeting reconvened with all members present as heretofore.

City Attorney Derleth reported that the Council did meet and did confer in Closed Session to discuss three Items, Item A, C and D below with no reportable action.

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code section 54956.9(a)

Case Name: Maria Cornejo, et al. v. City of Colton

Case Number: US District Court Case No. 5-2008CV01844

ACTION: No Reportable

C. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Bill Smith, Interim Deputy City Manager

Employee Organizations: SBPEA General Unit, SBPEA Mid-managers Unit, IBEW Electric, IBEW Water/Wastewater, Colton Fire Fighters Association, Colton Police Officers Association, Colton Police Management Association, and Colton Police Dispatchers Association

ACTION: No Reportable

D. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representative: Dean Derleth, City Attorney

Employee Organizations: Executive Unit

ACTION: No Reportable

CITY OF COLTON  
REGULAR CITY COUNCIL/REDEVELOPMENT AGENCY/COLTON UTILITY  
AUTHORITY MEETING MINUTES

December 15, 2009

Regular Meeting held on the above-given date at 6:01 p.m., in the Council Chambers of City Hall, with Mayor Chastain presiding.

INVOCATION:

Chaplain Pete Petersen led the invocation.

FLAG SALUTE:

CM Yzaguirre led the Pledge of Allegiance.

ROLL CALL:

Members Present:

Mayor Kelly Chastain  
Mayor Pro Tempore Susan Oliva  
Alex Perez  
Deirdre H. Bennett  
Vincent Yzaguirre  
Richard A. De La Rosa  
Dave Toro

Staff Present:

Rod Foster, City Manager  
Dean Derleth, City Attorney  
Eileen C. Gomez, City Clerk

## CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Recognition Mr. Dennis Michael James, League of CA Cities Inland Empire Division President, presented the Thalman Award, to Recipient Mayor Kelly Chastain.
- Introduction Mayor Chastain introduced and welcomed City Manager Rod Foster and his family.

## RECESS:

At 6:22 p.m., Mayor Chastain declared a recess for a reception to welcome City Manager Rod Foster and at 6:38 p.m., the meeting was reconvened with all Members present there from.

## MAYOR AND COUNCIL ITEMS:

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF DECEMBER 15, 2009.

Mayor Chastain asked the members present if there were any agenda items that were a conflict of interest pursuant to CMC Section 2.04.030. None.

## AB 1234 ORAL REPORTS:

None.

## APPOINTMENTS:

*City Commissions & Committees; Regional Boards & Committees*

- Intergovernmental Agency Appointments – CONFIRE JPA

Agency Member Yzaguirre requested a minor change in designation of agency member and alternate due to meeting schedules. Consensus by Council to designate Agency member to be CM Yzaguirre and Alternate CM Toro.

## PUBLIC COMMENT:

The following citizens addressed the council: Aquanetta Warren, Supervisor Josie Gonzales, John Anaya, Christina Irish Rey, Patricia Pierce, Gary Grossich, Vince Castro and Gilbert Arrieta.

## MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS:

Councilmembers announced various activities throughout the community.

## CITY TREASURER'S REPORTS

Receive and File City Treasurer's Report for October 2009.

City Treasurer De La Torre presented the report for the council consideration and approval to receive and file the October 2009 report.

It was a consensus of the Council to receive and file the City Treasurer's Report.

### CONSENT CALENDAR

City Manager Foster presented Consent Calendar Items No. (s) 1 thru 6 for consideration and approval, and pulling Item No. 3 for separate vote.

Motion and second by CM Yzaguirre/Perez to approve Consent Calendar Items 1 thru 6, pulling Item No. 3 for separate vote. Unanimous vote.

- (1) Minutes – Approved Minutes for the City Council Regular Meeting Held December 1, 2009, on File in the Office of the City Clerk. **[Staff Person: E. Gomez]**
- (2) Warrants – Approved Payable Warrants #112129 to #112274, Dated 11/25/09, Totaling \$708,335.20; Payable Warrants #111958 to #112128, Dated 11/19/09, Totaling \$2,934,948.86; Payroll Disbursement Listing for 11/14/09 to 11/27/09, Totaling \$945,416.96, on File in the Finance Department. **[Staff Person: B. Johnson]**
- (3) Change Order/Nile Advanced Construction, Inc. - Approve and Adopted a Resolution Increasing the Fiscal Year 2009/2010 Capital Improvement Program Budget for the Teen Center; Approve Change Order No. 1 to Nile Advanced Construction Inc., in the Amount of \$111,275.89; and Authorize Recordation of a Notice of Completion for the Colton Teen Center Project at Chavez Park, **RESOLUTION NO. R-96-09.** **[Staff Person: M. Tapia]**
- (4) COPS Grant - Approved the Acceptance of the Citizen Option for Public Safety Grant in the Amount of \$100,000 and Adopt the Budget Amendment, **RESOLUTION NO. R-97-09.** **[Staff Person: B. Miller]**
- (5) Change Order/Terex Utilities, Inc. - Approved of a Resolution Authorizing the Use of PNCEF, LLC dba PNC Equipment Finance as the Lease Financing Company for the Lease-Purchase of Three (3) New Digger Derrick Line Trucks for the Electric Utility and Approve a Change Order to Terex Utilities, Inc. to Reflect the 1% State Sales Tax Increase, **RESOLUTION NO. R-100-09.** **[Staff person: J. Olko]**
- (6) Contract Award/Bakersfield Well & Pump - Approved Request to Amend Existing Contract with Bakersfield Well & Pump to Add Additional Funds in an Amount Not-to-Exceed \$64,000 and to Extend the Contract Through June 30, 2010 for Additional Repairs on Well Plant No. 16, **RESOLUTION NO. R-98-09.** **[Staff Person: E. Fraser]**

### PUBLIC HEARINGS

Amend Title 18 of Municipal Code - Auto ZTA **[Staff Person: C. Cassel]**

This was the Time And Place Fixed To Consider Adoption Of A Zone Text Amendment To Various Provisions Of Title 18 Of The Colton Municipal Code. The Proposed Zone Text

Amendment Requires A Conditional Use Permit For Uses Associated With Automobile, Motorcycle And Truck Parking, Repair, Sales And Rentals In Various Zones Within The City Of Colton.

Mayor Chastain declared the Public Hearing Open.

City Clerk Gomez announced that the Affidavit of Publication for the public hearing was on file in the City Clerk's office and no protests or objections have been received.

Redevelopment Agency Director Cassel presented an overview of the agenda item and requested approval of staff's recommendation.

PUBLIC COMMENT:

The following citizens addressed the council: None.

Motion/second by CM De La Rosa/Toro to close the public hearing. Unanimous vote.

Motion/second by CM De La Rosa/Mayor Pro Tempore Oliva to waive full reading and pass first reading of Ordinance No. O-07-09. Unanimous vote

Amend Title 18 of Municipal Code - Alcohol ZTA [Staff Person: C. Cassel]

This was the Time And Place Fixed To Consider Adoption Of A Zone Text Amendment To Various Provisions Of Title 18 Of The Colton Municipal Code. The Proposed Zone Text Amendment Includes: (1) A Modified Definition Related To Beer And Wine Sales, And (2) A Requirement To Obtain A Conditional Use Permit For Any Premises Engaged In The Sale Of Beer, Wine And Other Alcoholic Beverages For On-Premises Or Off-Premises Consumption.

Mayor Chastain declared the Public Hearing Open.

City Clerk Gomez announced that the Affidavit of Publication for the public hearing was on file in the City Clerk's office and no protests or objections have been received.

Redevelopment Agency Director Cassel presented an overview of the agenda item and requested approval of staff's recommendation.

PUBLIC COMMENT:

The following citizens addressed the council: None.

Motion/second by CM Yzaguirre/Mayor Pro Tempore Oliva to close the public hearing. Unanimous vote.

Motion/second by CM Yzaguirre/Perez to waive full reading and pass first reading of Ordinance No. O-08-09. Unanimous vote

Environmental Addendum [Staff Person: C. Cassel]

This was the Time And Place Fixed To Consider And Approve A Resolution Adopting The Addendum To The Final Environmental Impact Report For The Agua Mansa Commerce Center Pursuant To The California Environmental Quality Act In Response To The Superior Court Of San Bernardino County's May 21, 2009 Ruling On Petition For Writ Of Mandate

Mayor Chastain declared the Public Hearing Open.

City Clerk Gomez announced that the Affidavit of Publication for the public hearing was on file in the City Clerk's office and no protests or objections have been received.

Mayor Chastain announce that the Public Hearing would be continued to January 19, 2010

### **BUSINESS ITEMS**

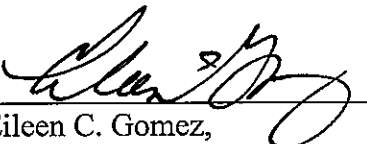
Award of Bid IFB-RG-10004 for the Construction Phase of the North Substation Project to International Line Builders, Inc., in the Amount of \$5,272,250; Authorize the City Manager to Execute the Contract, and Adopt a Resolution Appropriating the Necessary Funds, **RESOLUTION NO. R-101-09.** [Staff Person: J. Olko] ***PULLED TO RETURN TO A LATER DATE.***

Authorize Execution of Construction Management Services Under Existing Agreement with RW Beck, Incorporated, for the North Substation, in the Amount of \$260,900 and Adopt Resolution No. R-102-09 Appropriating the Necessary Funds, **RESOLUTION NO. R-102-09.** [Staff Person: J. Olko] ***PULLED TO RETURN TO A LATER DATE.***

### **CITY MANAGER'S REPORTS**

#### **ADJOURNMENT:**

At 8:15 p.m., Mayor Chastain declared the Regular Meeting adjourned to Tuesday, December 22, 2009, 5:30 p.m. in memory of Lon Laymon.

  
Eileen C. Gomez,  
City Clerk